

Senator Terrell, chairman of Judiciary Committee No. 1, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 215, entitled "An act to legalize the sale of real estate which belonged to Coleman county, situated in and near the town of Coleman, Coleman county, Texas," have had the same under consideration, and instruct me to report it back to the Senate, with the recommendation that it do pass.

The bill is framed in accordance with the accompanying petition of citizens of Coleman county, also referred to your committee. It appears from the petition that the sales which the bill seeks to validate were made for a fair and valuable consideration, and have been approved by the Commissioners' Court of Coleman county. As said sales were defective in law only as to the form in which they were made, and as it appears that due notice has been given of intention to apply for the passage of this act, your committee have deemed it proper and expedient to recommend the relief asked by the petitioners and provided in this bill.

TERRELL, Chairman.

Bill read first time.

Senator Swain, chairman of the Committee on Penitentiaries, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Penitentiaries, to whom was referred Senate bill No. 198, "An act to authorize the Governor, State Treasurer and Superintendent of the Penitentiary to contract for conveying convicts from where sentenced to the penitentiary," have had the same under consideration, and have instructed me to report it back to the Senate, and recommend its passage.

SWAIN, Chairman.

Bill read first time.

Senator Gooch moved that the Senate go into executive session to consider the appointments just sent into the Senate by his Excellency the Governor, on Monday morning just after the morning call. Adopted.

Senator Gooch moved to adjourn until 3 o'clock P. M.

Senator Duncan moved to adjourn until 9 o'clock A. M. Monday, so as to enable committees to consider and report on many bills now before them. Adopted, and the Senate so adjourned.

#### FORTY-FIRST DAY.

SENATE CHAMBER, }  
AUSTIN, February 28, 1881. }

Senate met pursuant to adjournment; President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Lane, the reading of the journals was dispensed with, and the same adopted.

Senator Buchanan of Grimes, presented a petition, signed by officers and members of the Navasota Guards, asking the Legislature to make an appropriation for the purpose of increasing the efficiency of that organization, etc. Referred to Committee on Military Affairs.

Senator Powers presented a petition of citizens of Fayette and other counties, asking for the creation of two new counties, to be named Thomas and Lester, respectively. Referred to Committee on Counties and County Boundaries.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 7, entitled "An act to provide for the sale of the alternate sections of land in this State, surveyed by railroad companies and other works of internal improvement, and set apart for the common school fund, and of the University and

school lands, and to provide for the investments of the proceeds;" and Senate bill No. 157, "An act for leasing the public free school lands of the State of Texas, and prescribing regulations therefor, and providing penalties against all persons herding cattle, sheep or horses on said lands," and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

Senator Weatherred, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 114, entitled "An act to establish the Thirty-sixth Judicial District of the State of Texas, and to provide for the appointment of district judge and district attorney therein;" and, also, Senate bill No. 187, entitled "An act to reorganize the Twenty-second Judicial District, and to prescribe the time of holding courts therein," have considered the same, and a majority of the committee instruct me to report the same back to the Senate with the accompanying substitute, and to recommend that the substitute do pass.

WEATHERRED, Chairman.

Bill read first time with substitute.

Senator Lane introduced a bill entitled "An act for the relief of W. S. Booth, S. F. Grimes and Maria Leftridge." Referred to Judiciary Committee No. 1.

Senator Shamon, by request, introduced a bill entitled "An act to amend articles 3824 and 3825, title 79, of the Revised Civil Statutes of the State of Texas, and to add thereto articles 3825a and 3825b, and to create the Clay, Baylor, Wheeler and Oldham county land districts." Referred to Committee on Public Lands.

On motion of Senator Shamon, the Senate went into executive session.

#### IN SENATE.

On motion of Senator Houston, the Secretary was instructed to spread upon the journal the results of the executive session, which are as follows: That the Senate does advise and consent to the appointment of T. J. Goree, of Walker county, to be Superintendent of Penitentiary, and D. M. Short, Assistant Superintendent of the Penitentiary.

Senator Lightfoot, by leave, presented a petition signed by 128 citizens of Fannin county, asking for a constitutional amendment to prohibit the importation, manufacture and sale of intoxicating liquors in this State, under penalty of \$1000 fine and one year's imprisonment. Referred to Committee on Constitutional Amendments.

Senator Burges, for Committee on Counties and County Boundaries, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 27, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 207, entitled "An act to create the counties of Lester, Thomas and Sutton," have had the same under consideration, and instruct me to report it back, with the recommendation that it do pass.

BURGES, for Committee.

Bill read first time.

Senate bill No. 102, "An act making an appropriation for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883," being special order for the morning, was taken up.

Senator Lane offered the following amendment: Amend Comptroller's department as follows: On page 5, line 5, strike out "1000, 1000" and insert "1200, 1200." In line 8 strike out "1000, 1000" and insert "1200, 1200." In line 11 strike out "\$1000, \$1000" and insert "\$1200, 1200." Amend Land Office department by adding "one abstract clerk 1350, 1350." Adopted.

Senator Lane also moved to amend the Lunatic Asylum department as follows:

For additional buildings for accommodations of indigents

only .....\$135,000

For sewerage .....	7,500
water works .....	20,000
heating apparatus for new building .....	20,000
support for increased inmates for the year 1882 .....	10,000
“ “ “ 1883 .....	20,000
additional employes for 1882 .....	4,000
“ “ 1883 .....	7,000
furniture for new buildings .....	7,500

Adopted.

Senator Buchanan of Wood offered the following amendments to educational department: In line 2, page 15, strike out "1800, 1800" and insert "2500, 2500." Adopted.

Also, in line 6, page 15, as follows: Strike out "14,000, 14,000" and insert "18,000, 18,000."

Senator Shannon moved to postpone consideration of educational department till to-morrow morning. Lost.

Senator Harris moved to postpone action on pending amendment till to-morrow. Lost.

Senator Powers moved to amend educational department as follows:

*Provided*, that in the qualifications of students for admission into said schools, a knowledge of the Latin grammar, and of algebra shall not be requisite.

Senator Buchanan's second amendment was adopted.

Senator Duncan raised the point of order that Senator Powers' amendment was not germane to the pending bill. Point of order overruled.

Senator Lane moved that the further consideration of the educational department be postponed until to-morrow.

Senator Buchanan of Grimes raised the point of order that the motion could not be entertained, as a similar one had already been voted down.

The President overruled the point of order on the ground that the former motion to postpone was made at a different stage of the bill.

Motion to postpone was adopted.

Senator Lane offered the following amendment under the head of Lunatic Asylum: Amend line 1 by striking out 2000, 2000 and inserting 2550, 2550. Adopted.

Also the following: Amend in line 23, page 13, by striking out 200, 200 and inserting 480, 480; amend line 13, on page 12, by striking it out and inserting therefor: For librarian of Supreme Court at Tyler, to be appointed by the Chief Justice of Supreme Court, and to be under his control, 480, 480; amend by adding to the judiciary department: "For repairs to the roof of the Supreme Court building at Austin, \$50."

Senator Lane entered a motion to reconsider the vote adopting Senator Tilson's amendment.

Senator Houston entered a motion to reconsider the vote just taken adopting Senator Lane's amendment.

Senator Lane's last amendment was adopted.

Senator Terrell offered to amend page 16 by adding after line 7 the following:

The compensation of superintendent and the building commissioners, and for contingent expenses in disposing of capitol reservation lands and building the new capitol, the amount of such expenditure to be determined by the Governor and paid on his order, to be reimbursed to general revenue out of sale of capitol lands, \$10,000, \$10,000.

**Adopted.**

Senator Swain offered the following substitute to his amendment that was pending on adjournment on Saturday:

For machinery, tools, apparatus and improvements to be made at Rusk and Huntsville penitentiaries, and for the establishment of a reformatory for youthful convicts to be expended within the discretion of the State Penitentiary Board, to consist of the Governor, the State Treasurer and Superintendent of the Penitentiaries, so as to make provision for the profitable employment of an increased number of convicts within the walls, there is hereby appropriated for the two years ending February 29, 1882, and February 28, 1883, the profits of the lease of penitentiary and the sum of. . . . \$150,000

For library at Rusk. . . . .	500
For library at Huntsville. . . . .	500

Senator Burges withdrew his amendment to the amendment of Senator Swain on the penitentiary, which was pending on adjournment.

(Senator Martin of Cooke in the chair.)

Senator Duncan moved a call of the Senate. Call sustained.

Roll called; absent, Senators Lair and Cooper (on committee) and Senator Ross.

Senator Gooch moved to excuse Senator Ross on account of sickness. Adopted.

Senator Houston raised a point of order that it requires a two-thirds vote to excuse under a call of the Senate.

Point of order overruled, as it was made after the vote had been declared.

Pending business went to the table.

Senate bill No. 19, "An act to amend article 4662, chapter 1, title 9c of the Revised Civil Statutes of the State of Texas, so as to reduce the ad valorem State tax to forty cents on the \$100," was taken up, and on motion of Senator Martin of Navarro was postponed until Wednesday after morning call.

Senate bill No. 27, "An act concerning factors and commission merchants," was taken up, and on motion of Senator Powers was postponed until to-morrow.

Senate bill No. 1, "An act to amend article 3704, Revised Statutes of Texas," was taken up, when the Senate was announced full, and pending business, the consideration of Senate bill No. 102, being the general appropriation bill, was resumed.

Senator Houston raised the point of order that Senator Ross was absent and not properly excused, it taking a two-thirds vote to excuse a member under a call of the Senate. Point of order sustained.

Senator Gooch renewed his motion to excuse Senator Ross. Adopted by the following vote:

YEAS—25.

Buchanan of Grimes	Hightower,	Powers,
Buchanan of Wood,	Houston,	Shannon,
Burges,	Lair,	Stubbs,
Cooper,	Lane,	Swain,
Davenport,	Lightfoot,	Terrell,
Duncan,	Martin of Cooke.	Tilson,
Gooch,	Martin of Navarro,	Weatherred,
Harris,	Patton,	Wynne.
Henderson.		

NAYS—none,

NOT VOTING.  
Roman.

Senator Buchanan of Grimes offered the following amendment to the pending amendment of Senator Swain on the penitentiary department of appropriation bill: Amend by striking out of substitute, in lines 3 and 4, "and for the establishment of a reformatory for youthful convicts. and" Lost.

Senator Burges moved to reconsider the vote just taken, by which the Senate refused to adopt the amendment of Senator Buchanan of Grimes. Adopted, and amendment withdrawn.

(President in the chair.)

Senator Buchanan of Grimes offered the following amendment: Amend substitute by striking out all referring to the establishment of a reformatory school, and for \$150,000 substitute \$125,000. Adopted.

The vote being taken on the substitute of Senator Swain, under call of the Senate, and it appearing that certain Senators were absent, on motion of Senator Powers, the absent Senators were excused by the following vote:

YEAS—21.

Buchanan of Wood,	Duncan,	Hightower,
Burges,	Gooch,	Homan,
Davenport.	Henderson.	Houston.

Lair, Lightfoot, Martin of Cooke, Martin of Navarro,	Powers, Shannon, Stubbs, Swain,	Terrell, Tilson, Weatherred, Wynne.
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NAYS—none.

Senator Swain's substitute was then adopted by the following vote:

YEAS—19.

Buchanan of Grimes Buchanan of Wood, Burgess, Davenport, Gooch, Harris, Henderson,	Hightower, Houston, Lair, Lightfoot, Martin of Navarro, Powers,	Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.
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NAYS—5.

Duncan, Homan,	Martin of Cooke, Patton,	Shannon.
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NOT VOTING—2.

Cooper, Lane.
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The President then took up House bill No. 482, "An act to amend articles 4662 and 4664, of chapter 1, title 95, of the Revised Statutes, adopted February 28, 1879," and referred it to Committee on Finance.

House bill No. 4, "An act to amend articles 364 and 365 of an act entitled 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,' presented to the Governor for his approval on February 27, 1879," was taken up as regular business on the President's table and read third time.

Senator Buchanan of Wood offered the following amendment: Amend Senate amendment by substituting the word "ten" in lieu of the word "six." Adopted by the following vote:

YEAS—22.

Buchanan of Grimes, Buchanan of Wood, Cooper, Davenport, Duncan, Gooch, Harris, Henderson,	Hightower, Homan, Houston, Lair, Lightfoot, Martin of Navarro, Powers,	Shannon, Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.
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NAYS—none.

NOT VOTING—4.

Burgess, Lane,	Martin of Cooke,	Patton.
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Bill passed by the following vote:

YEAS—21.

Buchanan of Grimes Buchanan of Wood, Davenport, Duncan, Gooch, Harris, Henderson,	Hightower, Homan, Lair, Lightfoot, Martin of Cooke, Martin of Navarro, Powers,	Shannon, Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.
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NAYS—2.

Houston,	Patton.	NOT VOTING—3.
Burgess,	Cooper,	Lane.

The petition of G. W. Jones, of McLennan county, asking the Legislature to pass an order for the payment to him of the arrears of pension due him in consequence of his being a disabled soldier, was taken up, and adverse report of committee adopted.

House joint resolution granting to John McLaughlin the privilege of keeping a cigar stand in the Capitol, was read and laid on the table.

House resolution "Instructing our Senators and requesting our Representatives in Congress to do what seems best to relieve the Jews from oppression in Germany," etc., was taken up and read.

Senator Stubbs offered the following amendment as a preamble to the resolution:

WHEREAS, our civilization owes to the Hebrew race, the exponent of our religion and the basis of our laws, and by these indissoluble bonds, we must be forever bound with the Israelite in his prosperity or his misfortune, in his joys or in his sorrows; and

WHEREAS, the genius of our government is "human freedom," which it is our mission to establish at home and favor abroad.

Senator Lightfoot moved to postpone the resolution indefinitely. Lost.

Senator Homan moved the previous question on resolution and amendment. Motion seconded and main question ordered by the following vote:

YEAS—21.

Buchanan of Grimes Buchanan of Wood, Burgess, Cooper, Davenport, Harris, Henderson,	Hightower, Homan, Lair, Lane, Lightfoot, Martin of Navarro, Powers,	Shannon, Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.
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NAYS—2.

Duncan,	Gooch.
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NOT VOTING—3.

Houston,	Martin of Cooke,	Patton.
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The amendment of Senator Stubbs was adopted by the following vote:

YEAS—14.

Buchanan of Grimes Cooper, Davenport, Homan, Houston,	Lair, Lane, Powers, Shannon, Stubbs,	Swain, Terrell, Weatherred, Wynne.
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NAYS—11.

Buchanan of Wood, Burgess, Duncan, Gooch,	Harris, Henderson, Hightower, Lightfoot,	Martin of Cooke, Martin of Navarro, Tilson.
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NOT VOTING.

Patton.

The resolution was then adopted by the following vote:

YEAS—15.

Buchanan of Grimes Cooper, Davenport, Homan, Houston,	Lair, Lane, Powers, Shannon, Stubbs,	Swain, Terrell, Tilson, Weatherred, Wynne.
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NAYS—10.

Buchanan of Wood, Burgess, Duncan, Gooch,	Harris, Henderson, Hightower,	Lightfoot, Martin of Cooke, Martin of Navarro.
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NOT VOTING.

Patton.

Senator Cooper moved to reconsider the vote just taken.

Senator Homan moved to lay the motion on the table.

The following vote was cast on the motion to table the motion to reconsider:

YEAS—13.

Buchanan of Grimes, Davenport, Homan, Houston, Lair,	Lane, Powers, Shannon, Stubbs,	Swain, Tilson, Weatherred, Wynne.
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NAYS—13.

Buchanan of Wood, Burgess, Cooper, Duncan, Gooch,	Harris, Henderson, Hightower, Lightfoot,	Martin of Cooke, Martin of Navarro, Patton, Terrell.
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There being a tie vote, the Lieutenant-Governor voted in the affirmative, and the motion to reconsider was tabled.

The undersigned Senators presented the following as their reasons for voting against the House resolution "expressing sympathy for the Jews in the German Empire,"



*Mr. President*—We voted against the House resolution, relating to the Jews, and believe that we should give our reasons therefor:

The resolution, as passed, is in the following language:

WHEREAS, Our civilization owes to the Hebrew race, the exponent of our religion and the basis of our laws, and by these indissoluble bonds we must be forever bound with Israel, alike in his prosperity or his misfortunes, in his joys or in his sorrows; and

Whereas, The genius of our government is "human freedom," which it is our mission to establish at home and favor abroad; therefore,

*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to do whatever, in their discretion, may seem best to bring to bear the moral weight of the government and the people of the United States upon the government and the people of the German Empire, for the relief of the Jews from any oppression, for their complete equality before the law, and for that full recognition to which they are entitled, by their wonderful history, their marvelous unity, their far-reaching activities, their tolerance, benevolence and fidelity to the institutions under which they live, wherever they are found.

The first clause of the preamble is very objectionable in our judgment—

1. We do not think we ought, by law or resolution, attempt to declare that any specific religion is "our religion," expressing the idea thereby that we have a "State religion."

2. We do not think reference should be made to the person or attributes of Christ, except in reverence or when it is necessary to the accomplishment of some good object, and we do not regard it as necessary in this instance.

3. The language "our civilization owes to the Hebrew race, the exponent of our religion," is capable of different construction, some of which would not command our assent.

4. We do not believe the question of religion, in any form, should be referred to.

5. We desire to state that we heartily endorse that part of the resolution which recognizes the Jews as a great people, and entitled to complete equality before the law; and that language which expresses the idea that, wherever they are oppressed, they are entitled to the sympathy and moral support of all free governments and liberty-loving people.

JNO. YOUNG GOOCH,  
MARION MARTIN,  
A. J. HARRIS,  
R. S. HIGHTOWER,  
J. M. MARTIN,  
JNO. C. BUCHANAN

Reasons for voting against House resolution in regard to the oppression of the Jews in Germany:

I cast my vote against the resolution, because—

1. I believe the object of the resolution outside of the scope of the legitimate duties of this Legislature.

2. This body has no official information in regard to any oppression of the Jews by the government of Germany.

3. I have such confidence in the Senators and Congressmen from Texas as to believe they need no advice from this Legislature as to their duties in the premises.

4. I am opposed to sentimental legislation.

JNO. N. HENDERSON.  
JNO. M. DUNCAN.

A message was received from the House announcing the passage of House bill No. 424, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for one league of land to the heirs of Moses Herrin."

Also, House bill No. 309, "An act to amend sections 1, 2, 3, 4, 6, 7 and 8, of an act entitled 'an act to provide for the sale of alternate sections of lands in organized counties as surveyed by railroad companies and other works of internal improvements, and set apart for the benefit of the school fund, to provide for the investment of the proceeds, and to repeal all laws in conflict therewith,' approved July 8, 1879, and to provide for the sale of such lands in organized counties."

Also, the following concurrent resolution:

*Resolved by the House of Representatives, the Senate concurring*, That 11 o'clock A. M. on Monday, the seventh of March proximo, be fixed as the time for the present Legislature to elect, as required by law, six directors of the Agricultural and Mechanical College of Texas to serve the ensuing two years, and that the Senate be respectfully invited to meet this House in joint session at said time to elect such directors.

Also, that the House be permitted to withdraw Senate bill No. 2, reported back to the Senate February 23, 1881, through error, as having been indefinitely postponed.

House bill No. 424, as above reported, was referred by the President to Committee on Private Land Claims.

House bill No. 309 was referred to Committee on Public Lands.

Senator Shannon, chairman of Committee on Internal Improvements, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 211, entitled "An act to authorize railroad companies incorporated by or under the laws of this State, to exercise rights, franchises and privileges in other States," have considered the same, and I am instructed by the committee to report the same back to the Senate with the following amendments, and thus amended, to recommend its passage.

First amendment—In section 1, after the words "and may accept from any such other State or States, or territory or territories, and exercise," insert the words, "within the State or territory where granted, but not in this without its express consent."

Second amendment—Add to section 1 the following: "Provided always, that the citizenship, domicile and chief offices of every such railroad company shall perpetually be and remain within this State; and provided, that the rights, powers and privileges conferred by this act shall be forfeited *eo instanti*, without the necessity of judicial ascertainment, if the domicile, citizenship, habitat, or chief offices thereof are ever changed from this State."

SHANNON, Chairman.

Bill read first time.

House bill No. 26, entitled "An act to amend chapter 3 of title 17 of the Penal Code of Texas, by adding after article 683, article 683a," was taken up, as business upon the President's table, read second time and passed to a third reading.

House bill No. 385, entitled "An act to repeal 'an act to diminish the civil jurisdiction of the county court of Navarro county, and to conform the jurisdiction of the district court of said county to such change,' approved July 2, 1879, was taken up, and on motion of Senator Martin of Navarro was postponed for the present.

Senator Terrell, chairman of Judiciary Committee No. 1, by leave, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 193, have considered the same (it being a bill to require the separate acknowledgment of the wife to all conveyances of personal as well as real property made by the husband, the same being the property of the wife, over the value of fifty dollars), and instruct me to report it back, with recommendation that it do not pass.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 208, which has for its object the restricting of the jurisdiction of the county court of Grimes county, have had the same under consideration, and have instructed me to report the same back with the recommendation that it do pass.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 214, have had the same under consideration, and instruct me to report it back with recommendation that it do not pass. It proposes statutory regulation in subjecting the property of a partnership to the payment of a debt of one of the partners, which in the opinion of your committee is unnecessary.

TERRELL, Chairman.

Bill read first time.



Senate joint resolution No. 18, "proposing to amend section 11 of article 8 of the Constitution of the State of Texas," was taken up, read third time, and lost by the following vote:

YEAS—12.		
Burges,	Lair,	Powers,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Henderson,	Martin of Cooke,	Wynne.
NAYS—13.		
Buchanan of Grimes	Homan,	Shannon,
Cooper,	Houston,	Terrell,
Gooch,	Martin of Navarro,	Tilson,
Harris,	Patton,	Weatherred
Hightower,		
NOT VOTING.		
Buchanan of Wood.		

Senator Houston entered a motion to reconsider the vote just taken.

Senator Terrell moved to lay the motion to reconsider on the table.

Senator Houston moved a call of the Senate.

Roll called; absent—Senator Buchanan of Wood.

Senator Houston raised the point of order that the motion to reconsider was only entered, and that it was out of order to take it up and act on it now. Overruled.

Pending business went to the table under the call of the Senate.

Senate joint resolution No. 20, proposing to amend section 3 of article 7 of the Constitution of the State of Texas, authorizing the Legislature to levy an ad valorem tax on all the property in the State in an amount not to exceed twenty-five cents on the one hundred dollars, for the benefit of the public free schools, was taken up and read third time.

Senator Lane offered the following as a substitute for the pending joint resolution:

Sec. 3. There shall annually be levied and collected on all the taxable property within this State, a specific ad valorem tax of twelve and one-half cents on the one hundred dollars of value, and a poll tax of one dollar and fifty cents on all male inhabitants of this State, between the ages of twenty-one and sixty years, for the benefit of the public free schools; and no part of the general revenue shall be appropriated for school purposes, and the Legislature shall have no power to levy an additional poll tax for any purpose whatever.

And the several counties in this State may levy an ad valorem tax, not to exceed fifteen cents on the one hundred dollars of value, for the support of the schools in such county, and the Legislature shall enact a law whereby the property tax-payers of any county may determine, by a two-thirds vote, whether such tax shall be imposed on such county; *provided*, that when an incorporated town or city is an independent school district, the tax levied for the county shall not include the property within such city, nor shall the property tax-payers of such city or town vote in such election.

Substitute adopted by the following vote:

YEAS—22.		
Buchanan of Grimes	Homan,	Shannon,
Buchanan of Wood,	Lair,	Stubbs,
Cooper,	Lane,	Swain,
Davenport,	Lightfoot,	Terrell,
Gooch,	Martin of Cooke,	Tilson,
Harris,	Martin of Navarro,	Weatherred,
Henderson,	Powers,	Wynne.
Hightower,		
NAYS—4.		
Burges,	Houston,	Patton.
Duncan,		

The Senate was announced full, and the consideration of the pending motions made on Senate joint resolution No. 18, "proposing to exempt property invested in manufacturing purposes," was resumed.

The motion of Senator Terrell, to lay on the table the motion of Senator Houston to reconsider the vote by which

said resolution was lost, was then considered and lost by the following vote:

YEAS—9.		
Buchanan of Grimes	Hightower,	Terrell,
Buchanan of Wood,	Patton,	Tilson,
Cooper,	Shannon,	Weatherred.
NAYS—15.		
Burges,	Henderson,	Lightfoot,
Davenport,	Homan,	Powers,
Duncan,	Houston,	Stubbs,
Gooch,	Lair,	Swain,
Harris,	Lane,	Wynne.
NOT VOTING—2.		
Martin of Cooke, Martin of Navarro.		

Senator Houston's motion to reconsider was adopted by the following vote:

YEAS—14.		
Burges,	Houston,	Powers,
Davenport,	Lair,	Stubbs,
Duncan,	Lane,	Swain,
Henderson,	Lightfoot,	Wynne.
Homan,	Martin of Cooke,	
NAYS—12.		
Buchanan of Grimes,	Harris,	Shannon,
Buchanan of Wood,	Hightower,	Terrell,
Cooper,	Martin of Navarro,	Tilson,
Gooch,	Patton,	Weatherred.

Senator Houston moved to postpone the further consideration of Senate joint resolution No. 18 for one week from to-day. Adopted.

The consideration of Senate joint resolution No. 20, "proposing to amend section 3 of article 7, of the Constitution of the State, etc., was resumed.

Senator Patton moved to postpone the resolution until Wednesday next, and that 100 copies be printed. Adopted.

Senate joint resolution No. 32, "proposing an amendment to section 23, article 16, of the Constitution of the State of Texas, substituting another section therefor," was taken up and, on motion of Senator Buchanan of Grimes, was postponed indefinitely.

Substitute for Senate bill No. 65, "An act to amend chapter 5 of the Penal Code by adding thereto two articles styled article 113a and 113b, relating to the accounting of county collecting officers," was taken up.

Senator Martin of Navarro, offered to amend by inserting after the word "sheriff," the words "county judge."

Senator Buchanan of Grimes, offered to amend the amendment by adding "county and district attorney."

Accepted, and amendment, as amended, adopted by the following vote:

YEAS—26.		
Buchanan of Grimes	Hightower,	Powers,
Buchanan of Wood,	Homan,	Shannon,
Burges,	Houston,	Stubbs,
Cooper,	Lair,	Swain,
Davenport,	Lane,	Terrell,
Duncan,	Lightfoot,	Tilson,
Gooch,	Martin of Cooke,	Weatherred.
Harris,	Martin of Navarro,	Wynne.
Henderson,	Patton,	
NAYS—none.		

Senator Cooper offered to amend as follows: Strike out "five days after the first day of each month," and insert in lieu thereof as follows: "Shall on or before the first day of each quarter."

Senator Henderson offered to amend the amendment with as follows: Strike out "report monthly," and insert "report quarterly, and said report shall be filed within five days after the expiration of each quarter." Adopted.

Original amendment as amended—lost by the following vote:

## YEAS—9.

Burges,  
Cooper,  
Henderson,

Hightower,  
Martin of Navarro,  
Patton,

Powers,  
Shannon,  
Wynne.

## NAYS—17.

Buchanan of Grimes  
Buchanan of Wood,  
Davenport,  
Duncan,  
Gooch,  
Harris,

Homan,  
Houston,  
Lair,  
Lane,  
Lightfoot,  
Martin of Cooke,

Stubbs,  
Swain,  
Terrell,  
Tilson,  
Weatherred.

Senator Buchanan of Grimes, offered the following amendment:

*Provided*, that this act shall not apply to tax collectors of counties or to district attorneys, if they shall make a quarterly report as is herein provided.

Senator Duncan moved the previous question. Not seconded.

Senator Swain moved to adjourn till 3 o'clock P. M. Lost.

Senator Lightfoot offered the following amendment: Amend bill by striking out "113a," and inserting "114," and striking out "113b," and inserting "114a," wherever they occur in the caption or bill.

Senator Duncan moved the previous question. Motion seconded and main question ordered.

The amendment of Senator Buchanan of Grimes was lost by the following vote:

## YEAS—8.

Buchanan of Grimes  
Burgos,  
Cooper,

Lane,  
Martin of Navarro,  
Powers,

Shannon,  
Wynne.

## NAYS—16.

Buchanan of Wood,  
Davenport,  
Duncan,  
Gooch,  
Harris,  
Henderson,

Hightower,  
Homan,  
Houston,  
Lair,  
Lightfoot,

Martin of Cooke,  
Stubbs,  
Terrell,  
Tilson,  
Weatherred.

## NOT VOTING—2.

Patton,

Swain.

Amendment of Senator Lightfoot was adopted by the following vote:

## YEAS—25.

Buchanan of Grimes  
Burgos,  
Cooper,  
Davenport,  
Duncan,  
Gooch,  
Harris,  
Henderson,  
Hightower,

Homan,  
Houston,  
Lair,  
Lane,  
Lightfoot,  
Martin of Cooke,  
Martin of Navarro,  
Patton,

Powers,  
Shannon,  
Stubbs,  
Swain,  
Terrell,  
Tilson,  
Weatherred,  
Wynne.

## NAYS—none.

## NOT VOTING—1.

Buchanan of Wood.

Bill passed by the following vote:

## YEAS—19.

Buchanan of Grimes  
Buchanan of Wood,  
Burgos,  
Davenport,  
Harris,  
Hightower,  
Homan,

Houston,  
Lair,  
Lane,  
Lightfoot,  
Martin of Cooke,  
Shannon,

Stubbs,  
Swain,  
Terrell,  
Tilson,  
Weatherred,  
Wynne.

## NAYS—3.

Cooper,  
Duncan,

Martin of Navarro,

Powers.

## NOT VOTING—2.

Gooch,

Patton.

Senator Harris introduced a bill entitled "An act to regulate the appointment and define the duties of notaries public." Referred to Committee on State Affairs.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 202, "An act to provide for the payment of the interest due on the public debt March 1, 1881," and find the same correctly enrolled and properly signed, and at 10:40 o'clock A. M. presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled and properly signed Senate bill No. 32, "An act to regulate the removal of the disabilities of minors," and on this day at 10:40 o'clock presented the same to the Governor for his signature.

COOPER, Chairman.

On motion of Senator Duncan, Senate adjourned till 3 o'clock P. M.

## AFTERNOON SESSION.

Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

The roll of Senators being called under the rule, Senator Homan called up Senate bill No. 178, "An act to prohibit the importation into this State, and the selling, exchanging or giving away, or the exhibiting or offering for sale within this State of certain deadly weapons," the bill being on its second reading. Bill read second time.

Senator Homan offered the following amendment: Add to first section the words "or butcher or hunting knife." Adopted, and the bill ordered engrossed by the following vote:

## YEAS—19.

Buchanan of Wood,  
Cooper,  
Duncan,  
Gooch,  
Harris,  
Hightower,  
Homan,

Lair,  
Lane,  
Lightfoot,  
Martin of Navarro,  
Patton,  
Powers,

Shannon,  
Stubbs,  
Swain,  
Tilson,  
Weatherred,  
Wynne.

## NAYS—6.

Buchanan of Grimes,  
Burgos,

Davenport,  
Henderson,

Houston,  
Martin of Cooke.

## NOT VOTING.

Terrell.

Senator Houston, being the next on the roll, called up Senate bill No. 222, being a committee substitute for Senate bills Nos. 114 and 187, and entitled "An act to establish the Thirty-sixth Judicial District, and to provide for the appointment of a district judge and district attorney therein, and to conform the Twenty-second and Twenty-fourth Judicial Districts thereto," reported from the Committee on Judicial Districts this morning and read first time.

On motion of Senator Houston, the rule was suspended to place the bill on its second reading by, the following vote:

## YEAS—26.

Buchanan of Grimes,  
Buchanan of Wood,  
Burgos,  
Cooper,  
Davenport,  
Duncan,  
Gooch,  
Harris,  
Henderson,

Hightower,  
Homan,  
Houston,  
Lair,  
Lane,  
Lightfoot,  
Martin of Cooke,  
Martin of Navarro,  
Patton,

Powers,  
Shannon,  
Stubbs,  
Swain,  
Terrell,  
Tilson,  
Weatherred,  
Wynne.

## NAYS—none.

Bill read second time and ordered engrossed.

Senator Lightfoot offered the following amendment: Amend by adding the following:

*Provided, that such election shall take place at the next general election, after the said election is ordered by the commissioners' court.*

On motion of Senator Lair, the amendment was laid on the table and the bill ordered engrossed.

Senator Lane being next on roll, called up Senate bill No. 117, entitled "An act to amend article 245, chapter 2, of the Revised Civil Statutes, and to repeal article 247, chapter 2, of the Revised Civil Statutes." Bill read second time.

Senator Lane offered the following amendment: Amend by adding the following section:

Sec. — The near approach of the close of the session, and the fact that in several counties of this State there is no officer to prosecute offenders before the county courts therein, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended and it is so suspended.

Adopted, and the bill ordered engrossed.

On motion of Senator Lane, the rule was further suspended to place the bill on its third reading by the following vote:

YEAS—26.

Buchanan of Grimes,	Hightower,	Powers,
Buchanan of Wood,	Homan,	Shannon,
Burges,	Houston,	Stubbs,
Cooper,	Lair,	Swain,
Davenport,	Lane,	Terrell,
Duncan,	Lightfoot,	Tilson,
Gooch,	Martin of Cooke,	Weatherred,
Harris,	Martin of Navarro,	Wynne.
Henderson,	Patton,	

NAYS—none.

Bill read third time and passed.

Senator Lightfoot being next on the roll, called up Senate bill No. 131, entitled "An act to amend the caption and section 3, of an act approved April 27, 1879, entitled 'an act granting a land certificate of 640 acres to each of the indigent veterans who was engaged in the struggle for Texas independence,' and with substitute of the committee.

Bill and substitute read second time and substitute adopted.

Senator Cooper offered the following amendment: Amend line 1, on page 2, by adding after the word "signers" as follows: "and to every soldier who enlisted from this State in the military service of the Confederate States or of this State, who, while engaged in said military service, lost a limb or limbs, or who is permanently disabled or crippled by reason of a wound or wounds received while in such military service."

Senator Cooper withdrew his amendment, and bill was ordered engrossed.

Senator Lightfoot moved to suspend the rules and place the bill on its third reading. Adopted by the following vote:

YEAS—24.

Buchanan of Wood,	Hightower,	Patton,
Burges,	Homan,	Powers,
Cooper,	Houston,	Shannon,
Davenport,	Lair,	Stubbs,
Duncan,	Lane,	Terrell,
Gooch,	Lightfoot,	Tilson,
Harris,	Martin of Cooke,	Weatherred,
Henderson,	Martin of Navarro,	Wynne.

NOT VOTING—2.

Buchanan of Grimes Swain,

Bill read third time and passed.

A message was received from the House announcing the passage of substitute Senate bill No. 2, "An act to repeal article 2234 of an act entitled 'an act to adopt and establish

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the Revised Civil Statutes of the State of Texas,' passed by the Sixteenth Legislature."

Senator Martin of Cooke being next on the roll, called up Senate bill No. 134, "An act to provide for the issuance of manuscript bonds of the State for the funds derived from the sale of lands belonging to the State University, the public free schools of the State, and of lands set apart to the several counties for school purposes, etc."

Bill read second time with substitute, and substitute adopted.

(Senator Stubbs in the chair.)

Senator Martin of Cooke offered the following amendment: Add the following section:

WHEREAS, It is a matter of great importance that some safe and certain means should be provided for the investment of the school funds belonging to the several counties of this State; and whereas, the present session of the Legislature is rapidly drawing to a close, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended; and an emergency is created, requiring that this act take effect from and after its passage, and it is so enacted.

Adopted.

Senator Martin of Cooke also moved to further amend by adding the following:

*Provided, that if at any time there be in the treasury as much as \$200,000 of such county school funds remaining uninvested by the Comptroller, the Treasurer shall not receive further payments, or issue additional bonds until the amount so remaining is invested.*

Adopted, and bill ordered engrossed.

Senator Martin of Cooke moved a suspension of the rules to place bill on its third reading.

Adopted by the following vote:

YEAS—23.

Buchanan of Grimes,	Homan,	Shannon,
Burges,	Houston,	Stubbs,
Cooper,	Lair,	Swain,
Davenport,	Lane,	Terrell,
Duncan,	Lightfoot,	Tilson,
Harris,	Martin of Cooke,	Weatherred,
Henderson,	Martin of Navarro,	Wynne.
Hightower,	Powers,	

NAYS—none.

NOT VOTING—3.

Buchanan of Wood, Gooch, Patton.

Bill read third time.

Senator Martin of Cooke offered the following amendment: Amend by striking out of caption the words "State University, the public free schools of the State, and of lands."

Adopted by the following vote:

YEAS—24.

Buchanan of Grimes,	Henderson,	Martin of Navarro,
Buchanan of Wood,	Hightower,	Shannon,
Burges,	Homan,	Stubbs,
Cooper,	Houston,	Swain,
Davenport,	Lair,	Terrell,
Duncan,	Lane,	Tilson,
Gooch,	Lightfoot,	Weatherred,
Harris,	Martin of Cook,	Wynne.

NAYS—none.

NOT VOTING—2.

Patton, Powers.

Bill passed by the following vote:

YEAS—25.

Buchanan of Grimes,	Hightower,	Powers,
Buchanan of Wood,	Homan,	Shannon,
Burges,	Houston,	Stubbs,
Cooper,	Lair,	Swain,
Davenport,	Lane,	Terrell,
Duncan,	Lightfoot,	Tilson,
Gooch,	Martin of Cooke,	Weatherred,
Harris,	Martin of Navarro,	Wynne.
Henderson,		

NOT VOTING.

Patton,



On motion of Senator Houston, the rule was further suspended to place the bill on its third reading by the following vote:

YEAS—25.		
Buchanan of Grimes	Homan,	Powers,
Burges,	Houston,	Shannon,
Cooper,	Lair,	Stubbs,
Davenport,	Lane,	Swain,
Duncan,	Lightfoot,	Terrell,
Gooch,	Martin of Cooke,	Tilson,
Harris,	Martin of Navarro,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING.

Buchanan of Wood.

Bill read third time and passed.

Senator Lair being next on roll, called up Senate bill No. 174, entitled "An act to amend the stock law." Bill read second time.

Senator Houston, by leave, introduced a bill entitled "An act to amend title 34 of the Revised Civil Statutes of the State of Texas, by adding articles 1665a and 1665b, and to amend articles 1689 and 1702 of the election laws of the State of Texas, and to provide for creating election precincts in unorganized counties." Referred to Judiciary Committee No. 1.

(The President in the chair.)

Senator Martin of Navarro, called up House bill No. 385, entitled "An act to repeal 'an act to diminish the civil jurisdiction of the county court of Navarro county, and to conform the jurisdiction of the district court of said county to such changes,' approved July 2, 1879."

Bill read second time and passed to third reading.

Senator Martin of Navarro, moved the suspension of the rules to place the bill on its third reading. Carried by the following vote:

YEAS—23.		
Buchanan of Grimes	Duncan,	Lair,
Buchanan of Wood,	Gooch,	Lane,
Burges,	Hightower,	Lightfoot,
Cooper,	Homan,	Martin of Cooke
Davenport,	Houston,	Martin of Navarro,
Powers,	Swain,	Weatherred.
Shannon,	Terrell,	Wynne.
Stubbs,	Tilson,	

NAYS—none.

NOT VOTING—3.

Harris, Henderson, Patton.

Bill read third time and passed by the following vote:

YEAS—22.		
Buchanan of Grimes,	Homan,	Shannon,
Buchanan of Wood,	Lair,	Stubbs,
Cooper,	Lane,	Swain,
Davenport,	Lightfoot,	Terrell,
Gooch,	Martin of Cooke,	Tilson,
Harris,	Martin of Navarro,	Weatherred,
Henderson,	Powers,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING—4.

Burges, Duncan, Houston, Patton.

Senator Gooch entered a motion to reconsider the vote passing this bill.

On motion of Senator Hightower, Clarence Lane, a page of the Senate, was excused on account of sickness.

Senator Powers, being next in order, called up substitute for Senate bills Nos. 30 and 70, "An act to establish the Twelfth, Fourteenth, Seventeenth, Twentieth, Thirtieth and Thirty-third Judicial Districts, and prescribing the times of holding the courts therein; and to provide for the appointment of a district attorney in the Twentieth and a district judge in the Thirty-third Judicial District, and to

provide for holding terms of the district court in certain unorganized counties," the motion pending being to reconsider the vote passing the bill. Carried.

Senator Burges offered the following amendment:

Amend by striking out the word San Saba, in line 23, section 3; by inserting the word San Saba in line 2, section 4, after the words 'counties of Gillespie;' by striking out that part of section 9 that relates to the holding of courts in San Saba county; and by substituting the following for section 12:

Sec. 12. That the district courts, in the Thirty-third Judicial District, shall be held as follows: In the county of Gillespie, on the first Mondays in March and September, and may continue in session two weeks; in the county of Llano, on the third Mondays in March and September, and may continue in session two weeks; in the county of San Saba, on the fourth Mondays after the first Mondays in March and September, and may continue in session two weeks; in the county of Mason, on the sixth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Kimble, on the seventh Mondays after the first Mondays in March and September, and may continue in session two weeks; in the county of Menard, on the ninth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Concho, on the tenth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of McCulloch, on the eleventh Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Brown, on the twelfth Mondays after the first Mondays in March and September, and may continue in session two weeks; in the county of Coleman, on the fourteenth Mondays after the first Mondays in March and September, and may continue in session two weeks; in the county of Runnels, on the sixteenth Mondays after the first Mondays in March and September, and may continue in session one week; in the county of Tom Green, on the seventeenth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

Senator Davenport moved to recommit the bill and pending amendment to Committee on Judicial Districts.

Senator Gooch moved the previous question on the motion to recommit. Motion seconded and main question ordered.

The motion to recommit was adopted.

Senator Henderson entered a motion to reconsider the passage of Senate bill No. 222, "An act to establish the Thirty-sixth Judicial District, and to provide for the appointment of a district judge and district attorney therein, and to conform the Twenty-second and Twenty-fourth Judicial Districts thereto."

On motion of Senator Lane, Senate adjourned until 9:30 A. M. to-morrow.

#### FORTY-SECOND DAY.

SENATE CHAMBER, }  
AUSTIN, March 1, 1881. }

The Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Harris, the reading of the journal was dispensed with, and the same adopted.

Senator Henderson called attention to a typographical error in the journal.

Senator Weatherred presented a petition of citizens of Sabine county, asking a constitutional amendment prohibiting the manufacture, sale and importation of intoxicating liquors in Texas. Referred to Committee on Constitutional Amendments.

Senator Lane presented a petition of citizens of Karnes county, asking that the jurisdiction of the county court of said county be restricted to probate matters alone. Referred to Judiciary No. 1.

Senator Powers presented a petition of citizens of Hidalgo